

DEM-DEC Global Research Update – April 2019

Tom Gerald Daly

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We've Had a Name Change!

The Democratic Decay Resource (DEM-DEC) has been renamed Democratic Decay & Renewal (DEM-DEC). This is to highlight that our mission is focused both on anatomising the threats facing liberal democracy worldwide and on finding solutions – immediate, medium-term and long-term.

Ninth Global Research Update since DEM-DEC was launched

This ninth monthly update was issued on 11 April 2019 and is [now available on DEM-DEC](#). Sincere thanks to [DEM-DEC REsearch Editors Kuan-Wei Chen](#) and Anant Sangal, who assisted in production of this Update.

Additions in the April Update include:

- New research worldwide from March and early April 2019
- A significant list of additions suggested by DEM-DEC Users
- A growing list of forthcoming research, and
- A list of resources recently added to the DEM-DEC [Links](#) section

Identifying Themes

In each monthly Update DEM-DEC Director Dr Tom Gerald Daly selects key themes. The aim is simply to provide 'added value' by helping users to navigate the Update, and to provide some limited commentary, especially on very recent research. Although it is impossible to capture every dimension of the issues covered in this Update, six key themes can be picked out.

1 Political Parties versus Democracy

An increasingly central question in the global conversation concerning democratic decay is the threat posed by political parties to liberal democracy. In a forthcoming article just accepted for publication in the *International Journal of Constitutional Law* (ICON) (and [uploaded to SSRN on 11 April](#)) Brian Christopher Jones and I provide a global analysis of the many ways in which contemporary political parties degrade democratic rule in both indirect and direct ways, and seek to spur discussion of

possible remedies. Titled 'Parties versus democracy: Addressing today's political-party threats to democratic rule', the abstract is as follows:

The growing threat to liberal democracy worldwide is, in many ways, a political-party threat. Recent years have witnessed the rise of a range of authoritarian populist, illiberal, far-right, nativist, and extremist parties. Some have entered government in countries including Hungary, Poland, Austria and Italy. Germany's *Alternative für Deutschland* (AfD) is now the main parliamentary opposition. Beyond Europe we see democratic structures threatened or incrementally dismantled through the subversion of an established democratic party by an outsider (e.g., Donald Trump in the U.S., or Rodrigo Duterte in the Philippines) or ascendance of the extremist wing of a right-wing party (e.g., India's *Bharatiya Janata Party* (BJP)). Parties and party leaders occupying an ill-defined space on the political spectrum – a form of “far-right lite” – today generally present a much greater threat to democratic governance than overtly anti-democratic fringe outfits, such as the National Democratic Party (NPD) of Germany. The ambiguity of such parties, their growing size, their entry into government, the subversion of “good” democratic parties by a “bad” leadership, and the rise of the “shadow party” and intensifying external control mean that contemporary political-party threats seriously frustrate the possibility of remedial action afforded by existing public law and policy mechanisms. They also require us to reflect anew on crafting novel remedies and to revisit our deep assumptions about parties as creatures of central constitutional importance.

2 5 Years of Democratic Decay in India

In recent years a variety of scholars and democracy analysts have raised concerns about the impact of the BJP government under Prime Minister Mahendra Modi, who came to power in 2014. In a new paper just uploaded to SSRN, [Tarunabh Khaitan](#) provides a highly incisive account of the past 5 years in India, analysing the many ways in which the Modi government has sought to diminish accountability mechanisms (including the opposition) and pursued an elision of the boundary between the ruling BJP party and the state. Khaitan sets out an analytic framework for the accountability mechanisms put in place by liberal democratic constitutions to provide a check on the executive, to make a crucial distinction between government actions that may be viewed as ideologically suspect but permissible and actions that strike at the heart of liberal democratic constitutionalism. Khaitan concludes that incremental moves toward enhancing executive control mean that '[t]he direction of travel is unmistakably towards a 'guided' or 'managed' democracy which will structurally ensure the political dominance of the ruling party.' It is a must read, and links with items from previous Global Research Updates (e.g. Duncan McDonnell and Luis Cabrera on the right-wing populism of the BJP-March 2019 Update). A highly contrasting view is provided by Ruchir Sharma in his new book [Democracy on the Road](#): based on two decades of following elections and speaking to individuals from every part of Indian society, Sharma concludes that while democracy may be

retreating globally, it is very much alive in India. With the general election looming (April-May 2019), this debate is of crucial importance.

3 A Rounded Reflection on the Trump Presidency

The US has evidently been a central preoccupation for democratic decay scholars, especially since the election of President Trump in 2016 (see e.g. from earlier Global Research Updates: Theme 4-February 2019; Themes 4 and 6-December 2018; Theme 5-November 2018; and Theme 1-October 2018).

[A rich collection in the journal *Perspectives on Politics*](#) (March 2019, but which also includes articles published earlier) provides a rounded analysis of the Trump presidency to date, including analysis of the impact of economic conditions and racial attitudes in President Trump's electoral victory in 2016; and continuing evolution of voter suppression in the USA. One piece, drawing on extensive survey data to assess whether 'bright lines' have been transgressed as regards democratic backsliding, offers that 'public and expert perceptions often differ on the importance of specific democratic principles. In addition, though our experts perceive substantial democratic erosion, particularly in areas related to checks and balances, polarization between Trump supporters and opponents undermines any social consensus recognizing these violations.' Another, by Robert Kaufman and Stephan Haggard, perceives 'striking parallels' between the USA and states such as Venezuela, Turkey and Hungary as regards democratic dysfunction, polarization, the nature of authoritarian appeals to the electorate, and the processes through which authoritarian leaders have sought to exploit elected office. A historical piece, placing the Trump presidency in a wider context, suggests the democratic order is under threat due to the interactive effects of debilitated institutions, exclusionary identity politics, and norm-breaking.

Elsewhere, in the [Democratization journal \(April 2019\)](#), Kenneth Bunker provides an insightful review of [Pippa Norris and Ron Inglehart's new book, *Cultural Backlash: Trump, Brexit, and Authoritarian Populism*](#), describing it as 'a foundational piece in the burgeoning field of studies related to the revival of authoritarianism and the rise of populism in the twenty-first century.' Bunker finds particular value in the authors' analysis and charting of a changing social and political landscape, with the left-right cleavage replaced by pluralist-populist and liberal-authoritarian continuums, although he expresses doubt as to whether the framework is applicable outside of the US, UK and EU.

4 Computing Polarisation

In a [working paper uploaded to SSRN in March](#), David Pozen, Eric Talley and Julian Nyarko adopt an innovative approach to analysing polarisation through a range of machine-learning and text-analysis techniques. Analysing a data set of all remarks made in the US Congress between 1873 and 2016, as well as a collection of more recent newspaper editorials, the authors' findings suggest that constitutional discourse has grown increasingly polarised over the past four decades

and that polarisation has intensified faster in constitutional discourse than in non-constitutional discourse. Further, they suggest that conservative-leaning speakers have driven this trend, and that contemporary conservative legislators have crafted a notably ‘coherent constitutional vocabulary’, which allows them to ‘own’ terms associated with the Constitution’s original meaning but also terms associated with textual provisions such as the First Amendment.

5 Constitutional Design and Democratic Performance

Constitutional design has become a growing preoccupation in the global discussion concerning democratic decay. Three items in this Update warrant attention. In the [latest edition of the *Democratization* journal \(April 2019\)](#), Anna Fruhstorfer, focusing on presidential and semi-presidential systems in Europe, offers that while directly-elected presidents tend to be more powerful and foster a consistent constitutional design (as regards resonance between de jure and de facto power), ‘inconsistent designs’ focused on counterbalancing presidential legitimacy and de jure power perform significantly better as regards democratic development. In an earlier article from 2014, suggested for addition by a DEM-DEC user, [Yasmin Dawood develops a typology of ‘democratic dysfunction’](#) that distinguishes among constitutional, political, institutional, and civic dysfunction to assess the relative merits and demerits of presidential and parliamentary systems. Dawood’s ‘optimal constraint theory of governance’ provides a useful framework for assessing trade-offs between mechanisms that constrain governmental action and mechanisms that empower government or relieve constraints via “anti-deadlock” mechanisms. Finally, this is the theme of a forthcoming special issue of the journal [Constitutional Studies](#), edited by András Jakab and Howard Schwaebler, on ‘The Role of Constitutional Design in Preventing or Contributing to Constitutional Decline’. Contributors include DEM-DEC Director Tom Daly, Tom Ginsburg, Cassie Emmons, Aziz Huq, David Kosa#, and Rainer Grote.

6 Poverty and Participation

I was initially unsure whether the [2018 Report of the Special Rapporteur on extreme poverty and human rights on his mission to the United States of America](#), suggested for addition by a DEM-DEC user, was sufficiently relevant. However, it is striking that the Special Rapporteur Philip Alston dedicates an entire section to how extreme poverty undermines democratic participation in the US. As well as ‘overt disenfranchisement’ of felons and ex-felons, he points to ‘covert disenfranchisement and remarks that it unsurprising that the US has one of the lowest turnout rates in elections among developed countries:

Then there is covert disenfranchisement, which includes the dramatic gerrymandering of electoral districts to privilege particular groups of voters, the imposition of artificial and unnecessary voter identification requirements, the blatant manipulation of polling station locations, the relocation of Departments of Motor

Vehicles' offices to make it more difficult for certain groups to obtain identification, and the general ramping up of obstacles to voting, especially for those without resources. The net result is that people living in poverty, minorities and other disfavoured groups are being systematically deprived of their right to vote.

The DEM-DEC Bibliography

The [DEM-DEC Main Bibliography](#) (finalised on 24 June 2018) presents a global range of research on democratic decay. It has a strong focus on research by public lawyers – spanning constitutional, international and transnational law – but also includes key research from other disciplines, as well as policy texts. Updates to the Bibliography are issued during the first week of every month, based on new publications and suggestions from users of DEM-DEC. All updates should be read in conjunction with the main bibliography on DEM-DEC.

Suggest Additions and Subscribe to the Mailing List

You can suggest additions for the next Update by filling out the [form on DEM-DEC](#), or by emailing items directly at democraticdecay@gmail.com.

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Become a DEM-DEC Editor

Interested in helping with production of the Research Update? Email democraticdecay@gmail.com with a CV/resumé or use the form at the bottom of the [Get Involved](#) section. All positions are on a volunteer basis at present.

DEM-DEC Launch Podcast

Have you listened to the DEM-DEC Launch Podcast yet? The panel discussion to formally launch DEM-DEC on 22 October was broadcast by ABC Radio National's 'Big ideas' programme on 27 and 28 November and is [now available as a podcast](#). The [launch programme and details](#) are on DEM-DEC.

